



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 5, 1993

Mr. Charles Karakashian, Jr.
Assistant General Counsel
Department of Public Safety
P. O. Box 4087
Austin, Texas 78773-0001

OR93-417

Dear Mr. Karakashian:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 20099.

The Texas Department of Public Safety (the "department") has received a request for information regarding the department's narcotics officers. Specifically, the requestor seeks a "list of personnel working in narcotics svc. by name, first, middle, last, sex, ethnicity, salaries, title, date of employment of the personnel in HQ only." You seek to withhold the names of the narcotics officers under section 3(a)(8) of the Open Records Act. As you do not comment on the remainder of the requested information, we presume it has been or will be made available to the requestor.

Section 3(a)(8) excepts

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

When the "law enforcement" exception is claimed as a basis for excluding information from public view, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how and why release would unduly interfere with law enforcement. Open Records Decision No. 434 (1986) (citing *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977)). Although section 6(2) of the act specifically makes public "the names . . . of all employees and officers of governmental bodies," see Open Records Decision No. 557 (1990), it does not make information public that may be excepted under the exceptions to required public disclosure enumerated in section 3(a) of the act, Open Records Decision Nos. 551 (1990); 487 (1988). For instance, in Open Records Decision

No. 456 (1987), this office held that section 3(a)(8) excepts the names of police officers who work "off-duty" for private employers, because release of their names might unduly interfere with law enforcement or crime prevention.

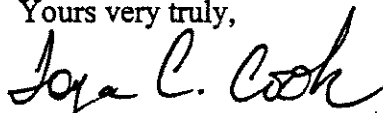
You advise us as follows:

Due to the undercover nature of Narcotics work, the release of the names of the Narcotics officers could pose a serious threat to their safety. If an officer happens to use his real name in an undercover situation or if an item of identification was found on him and the suspect could match that name against a list of DPS Narcotics officers, the officer's life would be endangered.

On the basis of the foregoing, we conclude that release of the names of the narcotics officers would unduly interfere with law enforcement. Accordingly, the names of the narcotics officers at issue here may be withheld from required public disclosure under section 3(a)(8) of the Open Records Act. The remaining information, however, must be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Tanya C. Cook
Assistant Attorney General
Opinion Committee

TCC/GCK/lmm

Ref.: ID# 20099
ID# 20134

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